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17

SD-6769

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. Robertson et al

Group:

3641

Serial No.: 09/970,912

Filed:

10/4/01

For: *Enhancement of Utilization of Encryption Engine*

Petition for Waiver of Late Fee under 37 CFR 1.182

Facts

1. This application was filed in the PTO on October 4, 2001.
2. On November 7, 2001, the Initial Patent Examination Division mailed a Notice to File Corrected Application Papers (Exhibit A) based on improper margins on the drawings submitted with the application. Applicant's database indicates this paper was entered into the database on November 14, 2001. Exhibit A had a two month period for response (ending January 7, 2002.)
3. On November 26, 2001, Applicant responded to Exhibit A by submitting formal drawings. The cover sheet of this submittal, showing the Certificate of Mailing, is Exhibit B.
4. The PTO received Exhibit A on January 18, 2002, seven weeks after it had been mailed by Applicants. This period was during the anthrax-problems which affected mail delivery to the PTO.
5. On March 6, 2002, the PTO mailed Applicant a Notice of Incomplete Reply (Nonprovisional), Exhibit C, indicating that the new drawings were flawed (the figures were mislabeled), and that the period of response to Exhibit A remains in effect. Exhibit C was received by Applicant on March 11, 2002.

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5. On March 12, 2002, Applicant responded to Exhibit C with new drawings, an authorization to pay the THREE month extension of time (cover sheet is Exhibit D).

Relief Sought

Applicant hereby petitions for relief from the \$920 three months extension of time fee to file Exhibit D.

It is noted that the PTO originally processed and mailed Exhibit A within one month of receiving the Patent Application. That period set an expectation for how long it takes the PTO to respond to drawing problems with new applications.

Applicants response (Exhibit B), was mailed within two weeks of receiving Exhibit A. Two weeks is certainly not an unreasonably long time to respond to such a matter.

The need for an Extension of Time is caused mainly by delays in incoming mail to the PTO, and by internal delays in the PTO.

It took seven weeks (November 26 to January 18) for Applicants' first response (Exhibit B) to be received by the PTO. Normal mail delivery time is expected to be one week or less.

It took seven more weeks (January 18 to March 6) for the PTO to respond to Exhibit B. That period seems quite long, especially considering a short time period is running against Applicants.

The fee for a Three Month Extension of Time is larger than the filing fee for this case. This charge is unreasonable in light of the facts which show undue delay in the PTO receiving and processing Exhibit B.

In light of the foregoing facts and explanation, Applicants request that the three month extension of time fee required for Applicants' response (Exhibit D) to the Notice of Incomplete Reply (Exhibit C) be waived, and Exhibit D be considered on its merits as if it had been timely filed.

Please charge the \$130 fee for this petition to Sandia Corporation Deposit Account No. 19-0131.



George H. Libman
Attorney for Applicants
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e-mail: ghlibma@sandia.gov

I hereby certify that this paper is being deposited on this date with the United States Post Office as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

Viola Campos 3/13/02
(Date Signed)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/970,912	10/04/2001	Robert J. Robertson Perry	SD-6769

Timothy D. Stanley
Sandia National Laboratories
P.O. Box 5800 - MS-0161
Albuquerque, NM 87185-0161



CONFIRMATION NO. 3158

FORMALITIES LETTER



OC000000007039375

Date Mailed: 11/07/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

TMW

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Initial Patent Examination Division (703) 308-1202
PART I - ATTORNEY/APPLICANT COPY



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Exh. 6,7 B

#7

SD-6769/S-96,421
November 26, 2001

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANTS: Perry J. Robertson, et al GROUP: Batch No.:
SERIAL NO.: 09/970,912 EXAMINER:
FILED: 10/4/01 Date of Notice: 11/7/01
FOR: ENHANCEMENT OF UTILIZATION OF ENCRYPTION ENGINE

SUBMITTAL OF FORMAL DRAWINGS

Assistant Commissioner for Patents
Attn: Official Draftsman
Washington, D.C. 20231

November 26, 2001

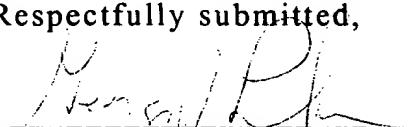
Sir:

Responsive to the Notice to File Corrected Application Papers of November 7, 2001, Applicants provide the enclosed formal drawings (6 figures on 5 sheets) for the above stated patent application with corrections as required. It is submitted that these formal drawings now meet the applicable standards.

If any of the formal drawings are unacceptable, please let us know at your earliest convenience.

The Commission is hereby authorized to charge Sandia Corporation Deposit Account No. 19-0131 if any fees are required.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: 11/27/01


Viola Campos



George

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/970,912	10/04/2001	Perry J. Robertson	SD-6769



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CONFIRMATION NO. 3158
FORMALITIES LETTER



OC000000007588392

Date Mailed: 03/06/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 01/18/2002 to the Notice to File Missing Parts (Notice) mailed 11/07/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

A copy of this notice MUST be returned with the reply.

M. Dechant

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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